

**UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF ALABAMA, SOUTHERN DIVISION**

LAURA GRANT,

Plaintiff,

vs.

VALENTINE & KEBARTAS, INC.,

Defendant.

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CASE NO.: 10-444

COMPLAINT

COMES NOW the Plaintiff, Laura Grant, (hereafter the "Plaintiff") by counsel, and for her complaint against the above-named Defendant, alleges as follows:

JURISDICTION AND VENUE

The jurisdiction of the Court is invoked pursuant to 15 U.S.C. § 1692k(d). and 28 U.S.C. 1331. Venue is proper in this District because the acts and transactions occurred here and all the parties reside or transact business here.

PRELIMINARY STATEMENT

This is an action for statutory damages, costs and attorney's fees brought pursuant to the Fair Debt Collection Practices Act. 15 U.S.C. § 1692 ("FDCPA"). Plaintiff brings this action individually to enjoin Defendant Valentine & Kebartas, Inc.'s conduct and recover damages by reason of this Defendant's violation of the FDCPA. The violating actions addressed in this Complaint stem from attempts to collect a debt without providing the requisite notice of the consumer's rights.

PARTIES

1. Plaintiff is a resident of Mobile County, Alabama.
2. Defendant Valentine & Kebartas, Inc., ("Valentine") is a corporation which is, upon information and belief, incorporated under the laws of the State of Colorado and has its principal place of business in Lawrence. For all relevant times, Valentine was engaged in business within the State of Alabama, including the collection of debts. Valentine is regularly engaged in the practice of debt collection.
3. Valentine sends collection letters and places collection calls as a regular part of its business.
4. The mails and interstate wire communications are used to conduct the business of Valentine.
5. Defendant is a debt collector as defined by the FDCPA.

FACTS

6. On or about December 2, 2009, Plaintiff received a letter from Defendant Valentine regarding a past due debt owed to GE Capital.
7. The day after the Plaintiff received the collection letter from Valentine she received a telephone call from someone who identified themselves as an employee of Valentine and demanded the Plaintiff pay the debt in full.
8. The agent did not recognize themselves as a debt collector to the Plaintiff at any time during the phone call and did not inform her that any information obtained would be used for the purpose of collecting a debt.

9. The Defendant's agent, while discussing the debt, began yelling at the Plaintiff during the discussion and continued to raise her voice to the Plaintiff as the conversation continued until the Plaintiff finally ended the call.

10. Plaintiff was called again a few days later by an agent of Valentine and once again was not informed they were a debt collector during the phone call and any information would be used for the debt collection purpose.

11. Plaintiff is entitled to actual damages, statutory damages, attorney's fees, and costs against the Defendant.

12. Plaintiff alleges said debt with Defendant is a consumer debt pursuant to 15 U.S.C. §1692a(5)

13. As a result of the Defendant's violations of the FDCPA, the Plaintiff suffered actual damages, and is entitled to an award of statutory damages, costs, and attorney's fees.

COUNT ONE
(FDCPA § 1692e(11) VIOLATIONS)

14. Plaintiff realleges and incorporates all of the preceding paragraphs as if fully set out herein.

15. This is a claim asserted against Defendant Valentine for violations of the FDCPA.

16. Defendant Valentine is a "debt collector" as defined by the FDCPA, 15 U.S.C. § 1692a(6).

17. Defendant has violated the FDCPA in connection with its attempts to collect the account against Plaintiff. Defendant's violations include, but are not limited to, failing to comply with the requirements of 15 U.S.C. § 1692e.

18. Defendant failed to disclose to the Plaintiff that it was a debt collector attempting to collect a debt and that any information obtained would be used for that purpose.

19. As a result of its violations of the FDCPA, Valentine is liable to Plaintiff for declaratory judgment that Valentine violated the FDCPA, actual damages, statutory damages, plus costs and attorney's fees.

WHEREFORE. Plaintiff respectfully requests that judgment be entered against Defendant Valentine for the following:

- a. Statutory damages pursuant to 15 U.S.C. 1692k;
- b. Declaratory judgment that Defendant's conduct violated the FDCPA;
- c. Costs and reasonable attorneys fees pursuant to 15 U.S.C. § 1692k; and
- d. Such other and further relief as this Court deems just and proper, the premises considered.

COUNT TWO
(FDCPA § 1692d VIOLATIONS)

1. Plaintiff realleges and incorporates all of the preceding paragraphs as if fully set out herein.

2. This is a claim asserted against Defendant Valentine for violations of the FDCPA.

3. Defendant Valentine is a "debt collector" as defined by the FDCPA, 15 U.S.C. § 1692a(6).

4. Defendant has violated the FDCPA in connection with its attempts to collect an account against Plaintiff. Defendant's violations include, but are not limited to, failing to comply with the requirements of 15 U.S.C. § 1692d.

5. The Defendant used abusive, rude, and harassing language towards the Plaintiff as she was "yelled at" and "spoke to in a raise voice" by one of the Defendant's agents.

6. As a result of its violations of the FDCPA, Valentine is liable to Plaintiff for declaratory judgment that Valentine violated the FDCPA, actual damages, statutory damages, plus costs and attorney's fees.

WHEREFORE, Plaintiff respectfully requests that judgment be entered against Defendant Valentine for the following:

- a. Statutory damages pursuant to 15 U.S.C. 1692k;
- b. Declaratory judgment that Defendant's conduct violated the FDCPA;
- c. Costs and reasonable attorneys fees pursuant to 15 U.S.C. § 1692k; and
- d. Such other and further relief as this Court deems just and proper, the premises considered.

RESPECTFULLY SUBMITTED this the 12th day of August, 2010.

TRIAL BY JURY IS DEMANDED.



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PLEASE SERVE DEFENDANTS BY US CERTIFIED MAIL AT THE FOLLOWING:

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